

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOANNE HEARD,

Plaintiff(s),

CASE NUMBER: 06-11076
HONORABLE VICTORIA A. ROBERTS

v.

CHASE MANHATTAN BANK, ET AL.,

Defendant(s).

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ORDER DENYING PLAINTIFF'S APPLICATIONS
FOR *IN FORMA PAUPERIS* STATUS
AND APPOINTMENT OF COUNSEL
AND DISMISSING COMPLAINT

Plaintiff Joanne Heard petitioned the Court to permit her to proceed *in forma pauperis* and she requests appointment of counsel [Docs. 2, 3]. Under 28 U.S.C. §1915(a)(1), the Court may permit a litigant to file suit without payment of filing fees if the litigant demonstrates that she is unable to pay such fees. Subsection (e)(1) also permits the Court to appoint an attorney to any person unable to afford counsel.

In this case, the Court finds that Plaintiff has not demonstrated that she is unable to pay filing fees. Plaintiff indicates that she earns \$1,800.00 per month in wages, but that she only expends \$820.00 per month in living expenses. Therefore, the Court **DENIES** Plaintiff's request to proceed *in forma pauperis*.

The Court also dismisses Plaintiff's complaint for lack of jurisdiction. Plaintiff attempts to invoke federal question jurisdiction, under 28 U.S.C. §1332, by asserting that one of her claims arises under the Due Process Clause of the Fourteenth

Amendment. See Pl. Complaint at pp. 23-24. But, it is apparent that Plaintiff actually seeks to appeal an order of eviction entered in state court. However, the United States District Court is not the proper forum for Plaintiff's appeal. Plaintiff must seek relief in the state appellate courts. And, Plaintiff's remaining claims for breach of the settlement agreement and redemption of real estate only raise state law issues. Therefore, Plaintiff failed to state a federal claim over which this Court has jurisdiction. Plaintiff's complaint is **DISMISSED**. Consequently, the Court also **DENIES** Plaintiff's request for appointment of counsel.

IT IS SO ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: April 7, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se plaintiff by electronic means or U.S. Mail on April 7, 2006.

S/Carol A. Pinegar
Deputy Clerk